

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. Mitchell Kelly Chavis**

**Docket No. 7:98-CR-82-10BO**

**Petition for Action on Supervised Release**

COMES NOW Thomas E. Sheppard, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Mitchell Kelly Chavis, who, upon upon a finding of guilt by jury to Conspiracy to Distribute and Possess With Intent to Distribute Cocaine and Cocaine Base in violation of 21 U.S.C. §846, was sentenced by the Honorable James C. Fox, U.S. District Judge, on November 1, 1999, to the custody of the Bureau of Prisons for a term of 262 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

On June 3, 2010, pursuant to Rule 35, the term of imprisonment was reduced to time served and the fine was remitted by the Honorable Terrence W. Boyle. Mitchell Kelly Chavis was released from custody on June 4, 2010, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 19, 2011, the defendant signed a statement admitting that he used marijuana on October 17. A drug test conducted October 25 was positive for marijuana. The defendant had been tested on twenty-eight previous occasions, all with negative results, demonstrating his ability to refrain from illegal drug use. He has been verbally reprimanded for this violation, and the frequency of drug testing will be increased. A sanction of 24 hours community service will emphasize to the defendant the need to refrain from any illegal drug use. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

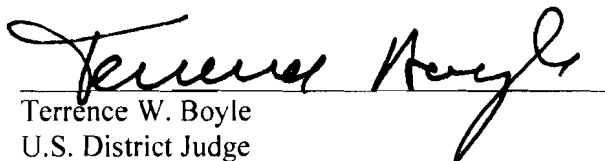
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Thomas E. Sheppard  
Thomas E. Sheppard  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: October 27, 2011

**ORDER OF COURT**

Considered and ordered this 28 day of October, 2011, and ordered filed and made a part of the records in the above case.

  
Terrence W. Boyle  
U.S. District Judge